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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,401	06/19/2000	STEFAN SCHMITZ	10191/1365	2060

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KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT

PAPER NUMBER

2685

DATE MAILED: 12/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/509,408

Applicant(s)
Klaus Maler

Examiner
Naghmeh Mehrpour

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2685



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 10, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1d-22 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1d-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 10-15, 19-22**, are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art Page 1 of Specification in view of Pogue, Jr. et al. (US Patent Number 5,144,667).

Regarding **Claims 10, 22**, the admitted prior art teaches a method for assigning a remote control operation to a base station, comprising the steps of: causing the base station to transmit a search signal; returning a contact signal from the remote control operation in response to an agreement of the search signal with a stored reference signal; causing the base station to subsequently transmit an activation signal capable of being changed in response to each assignment, the activation signal being capable of verifying a matching to the remote control operation (Page 1 lines 3-21). the admitted prior art fails to teach that before the search signal is transmitted from the base station, determining the activation signal, wherein the activation signal that **includes random number** is only recalled for the assignment. However Pogue teaches a method that the search signal is transmitted from the base station, determining the activation signal which includes random number (col 5 lines 18-20). The activation signal is only recalled for the assignment (See

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figure 2 column 2 lines 53-55). By using the activation signal that includes a random number and only recalled for the assignment, there are no chance of copying or imitating even with physical access to the remote unit. Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Pogue to the admitted prior art, in order to enable the user have highly secure system with low power consumption.

Regarding **Claims 11-12, 19**, the admitted prior art fails to teach a method according further comprising the step of: before the search signal is transmitted by the base station, determining a response signal, wherein the remote control operation responds in accordance with the response signal after the activation signal is received. The admitted prior art fails to teach that before the search signal is transmitted from the base station, determining the activation signal, wherein the activation signal is only recalled for the assignment, and further the admitted prior art fails to teach that the activating signal is determined after a conclusion of a successful assignment of the remote unit". However Pogue teaches a method that the search signal is transmitted from the base unit, determining the activation signal, wherein the activation signal is only recalled for the assignment (See figure 2 column 3 lines 12-16, column 5 lines 9-23). Pogue teaches after initializing (a successful assignment) when the remote unit enters the radio range of the base unit, a signal from the base unit wakes up or alerts the remote unit (column 3 lines 10-16) In addition Pogue teaches that in some applications the remote unit are activated only when the operator touches or tries to operates the door handle (column 2 lines 53-55). Therefore, it would have been

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obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Pogue to the admitted prior art, in order to provide an inexpensive and high security system.

Regarding **Claim 13**, the admitted prior art teaches a method according further comprising the step of: determining another activation signal capable of being changed, the other activation signal being determined if a response signal sent back by the remote control operation in response to the activation signal does not agree with a predetermined set point response signal in the base station (page 1 lines 4-13).

Regarding **Claim 14**, the admitted prior art teaches a method according wherein: the search signal is transmitted a plurality of times, each time being immediately after another, if no contact signal is received in response to the preceding search signal (page 1 lines 5-11).

Regarding **Claim 15**, the admitted prior teaches a method wherein: an execution time of the step of determining the other activation signal is based on carrying out security-relevant arithmetic operations, which carry out response is less that three milliseconds (Page 1 lines 15-18).

Therefore the admitted prior art inherently teaches the step of determining the other activation signal is lengthened in comparison to a shortest possible execution time.

Regarding **Claim 20**, the combination of admitted prior and Pogue art fails to teach that **the** search signal contains a serial number stored in a memory. However a search signal contains a serial number stored in a memory is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of to the combination of admitted prior art and Pogue, in order to provide secure system.

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Regarding **Claim 21**, the combination of admitted prior art and Pogue does not specifically mention that the contact signal includes a group number of the remote control program. However Pogue teaches the base unit send out ID signals corresponding to the various remote ID's stored during initialization (column 3 lines 16-21). The ID can be a group number of remote control program. Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of to the combination of admitted prior art and Pogue, in order to provide initialization for each pairs of remote units, and prevent the copying or imitation even with physical access.

3. **Claims 16-18**, are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art Page 1 of Specification and Pogue, Jr. et al (US Patent Number 5,144,667) in view of Paneth et al. (US Patent Number 6,282,80 B1).

Regarding **Claims 16-17**, the admitted prior art teaches a base station comprising: a transmitting/receiving device for transmitting a search signal and an activation signal capable of being changed, and for receiving a contact signal and a response signal from remote control operations, an arrangement for performing one of a causing and an evaluating of each signal received by the transmitting/receiving device, wherein, the arrangement for performing one of the causing and the evaluating (Page 1, lines 3-24). The admitted prior art fails to teach determines the activation signal before a transmission of the search signal from the base station occurs, and the arrangement for performing one of the causing and the evaluating only recalls the activation signal for an assignment, and unit assigning at least one of the remote control operations to the

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base station and making possible test for matching. However Pogue teaches a method that determines the activation signal before a transmission of the search signal from the base station occurs, and the arrangement for performing one of the causing and the evaluating only recalls the activation signal for an assignment, and unit assigning at least one of the remote control operations to the base station and making possible test for matching (column 3 lines 12-16, column 5 lines 9-23). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Pogue to the admitted prior art, in order to provide an inexpensive and more secure system. The combination of admitted prior art and Pogue fails to teach a non-volatile memory. However Paneth teaches a non-volatile memory unit (Column 26 lines 62-67). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Paneth to the combination admitted prior art of and Pogue, in order to provide a base unit with a memory that can be reprogram at different time.

Regarding **Claim 18**, the admitted prior art teaches a system composing a base station including: a first transmitting/receiving a search signal and an activation signal capable of being changed, and for receiving a contact signal and a response signal from remote control operations, a first arrangement for performing one of a causing and an evaluating of each signal received by the transmitting/receiving device, wherein: the arrangement for performing/receiving device (Page 1 lines 3-23). The admitted prior art fails to teach determines the activation signal before a transmission of the search signal from the base station occurs, and the arrangement for performing

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one of the causing and the evaluating only recalls the activation signal for an assignment, and unit assigning at least one of the remote control operations to the base station and making possible test for matching. However Pogue teaches a method that determines the activation signal before a transmission of the search signal from the base unit occurs, and the arrangement for performing one of the causing and the evaluating only recalls the activation signal for an assignment, and unit assigning at least one of the remote control operations to the base unit and making possible test for matching (See figure 2 column 2 lines 53-55, column 3 lines 12-16, column 5 lines 9-23).

Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Pogue to the admitted prior art, in order to provide an inexpensive and more secure system, and prevent imitation of remote unit even with physical access. The combination of admitted prior art and Pogue fails to teach a non-volatile memory. However Paneth teaches a non-volatile memory unit (Column 26 lines 62-67). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of Paneth to the combination admitted prior art of and Pogue, in order to provide a base unit and remote unit with a memory that can be reprogram at different time.

Response to Arguments

4. Applicant's arguments filed 10/10/02 have been fully considered but they are not persuasive.

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In response to that *“Pogue reference fails to even allege that the activation signal is determined before transmitting the search signal. There is no teaching in the Pogue reference with respect to determining the activation signal before transmitting the search signal”*.

The Examiner responds that Pogue teaches that in some applications the units are activated only when the operator touches or tries to operate the door handle 18 (See Figure 2 Column 2 lines 53-55). Pogue further teaches that when the remote unit enters the radio range of the base unit, a wake-up mode is entered wherein a signal from the base unit wakes up or alerts the remote to prepare its circuits for interrogation (Column 3 lines 12-16). The alert signal is an activate signal.

In response to applicant's argument that Pogue is non-analogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, after initializing the mobile assumes sleep state for low power consumption. When the remote unit enters the radio range of the base unit, a wake-up mode is entered wherein a signal from the base unit wakes up or alerts the remote unit to prepare its circuit for interrogation (col 3 lines 10-16). Therefore signal is not initiates the assignment procedure. The signal activates the remote unit.

In response to applicant's argument regarding claim 12, that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

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combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, applicant's argues that Pogue fails to teach the feature of "*activating signal is determined after a conclusion of a successful assignment of the remote unit*". However Examiner states after initializing (a successful assignment) when the remote unit enters the radio range of the base unit, a signal from the base unit wakes up or alerts the remote unit.

In response to the Applicant's argument regarding claim 13, the admitted prior art teaches a determining another activation signal capable of being changed, the other activation signal being determined if a response signal sent back by the remote control operation in response to the activation signal does not agree with a predetermined set point response signal in the base station (page 1 lines 4-13). In addition Pogue teaches when communications are bad retransmission is possible, error detection can be more effective than error correction coding (col 5 lines 35-40).

Another word after activation signal is transmitted to the remote or base unit transmit a signal to wakes up the remote unit if remote unit is not response back to the base unit in a predetermined time, that is set in base unit another signal activation signal will be sent.

Conclusion

5. **Any responses to this action should be mailed to:**

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label

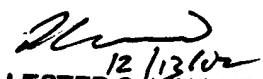
“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

NM

Dec 4, 2002


12/13/02
LESTER G. KINCAID
PRIMARY EXAMINER